

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
v.	:	CRIMINAL NO. 3:CR-20-108
TYSHEEN GOTT,	:	(JUDGE MANNION)
Defendant	:	

## ORDER

Based on the court's Memorandum issued this same day, **IT IS HEREBY ORDERED THAT:** Defendant Gott's objections to the PSR are **SUSTAINED**, (Doc. 686), and Gott's motions to dismiss the information of his prior conviction pursuant to 21 U.S.C. §851(a) for sentencing enhancement, (Docs. 694 & 697), are **GRANTED**. The Court finds that Gott's prior New York state drug conviction is not a prior drug felony that subjects him to enhanced penalties under 21 U.S.C. §841(b)(1)(A), and that this conviction cannot be used to impose a 15-year mandatory minimum sentence with respect to Count 1. Gott's *pro se* request for an evidentiary hearing, (Doc. 708), is **DENIED**.

The probation office is directed to prepare an Amended Pre Sentence Investigation Report in light of the court's memorandum and this order. The Amended PSR shall recalculate the statutory and guideline ranges, as

appropriate, in accordance with the above. The court will reschedule sentencing in this case by separate order.

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
**United States District Judge**

**DATE: January 23, 2023**

20-108-09-Order